IN THE HIGH COURT OF PUNJAB & HARYAN AT CHANDIGARH

C.M. No.10126-C of 2006,
CM No.5698-C of 2005 and
R.S.A. No. 2152 of 2005
Date of decision: January 15,2007

Daljit Singh Latti V. Hoshiarpur Express Transport Company and another

CORAM: HON'BLE MR.JUSTICE VINEY MITTAL

Present: Shri V.K.Jain, Senior Advocate, with Shri Anupam Bhardwaj,Advocate, for the appellant.
Shri Sumeet Mahajan, Advocate, for the respondents.

Viney Mittal,J.(Oral)

CM 10126-C of 2006

The present application has been filed by plaintiff-respondent No.1. In the application, it has been prayed that the present appeal i.e. R.S.A. No.2152 of 2005 be disposed of in terms of the order dated March 4,2005 passed in R.S.A. No.3076 of 2004 (Ludhiana Motor Finance Company Private Limited V. Hoshiarpur Express Transport Company Limited and another). A copy of the aforesaid order dated March 4,2005 has been appended as Annexure A/1 with the application.

The present Regular Second Appeal has been filed by Daljit Singh Latti who was arrayed as defendant No.2 in the suit for declaration filed by the plaintiff, Hoshiarpur Express Transport Company Limited challenging the consent order and the decree dated November 10,1990 passed by the Sub Judge I Class,Ludhiana in Arbitration Application No.6 of 1990 on the ground that the aforesaid consent order and the decree had been obtained by defendant No.1, Ludhiana Motor Finance Company Private Limited by fraud.

Both the Courts below have upheld the claim of the plaintiff-respondent No.1.

A perusal of the order dated Mach 4,2005, passed in R.S.A. No.3076 of 2004, Annexure A/1 shows that the aforesaid Regular Second Appeal was filed by defendant No.1, Ludhiana Motor Finance Company Private Limited challenging the judgment

and decree of the two Courts below. This court vide detailed order dated March 4,2005 had dismissed the said Regular Second Appeal. The judgment and decree of the Courts below were upheld.

Keeping in view the fact that the judgment and decree of the two Courts below have already been upheld by this court in RSA No.3076 of 2004, the present Regular Second Appeal being RSA No.2152 of 2005 filed on behalf of defendant No.2 is also liable to be dismissed.

Consequently, prayer made in the application is allowed. R.S.A. No.2152 of 2005 is also dismissed in view of the reasons contained in the order dated March 4,2005 passed in R.S.A. No.3076 of 2004.

CM as well as the main appeal stand disposed of.

January 15,2007 (Viney Mittal)
sks Judge